

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

LOUIS E. MCBRIDE,
Plaintiff

V.

WOODS HOLE, MARTHA'S
VINEYARD AND NANTUCKET
STEAMSHIP AUTHORITY, and
LAFLEUR CRANE SERVICE, INC.,
Defendants

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) Civil Action
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) No. 05-11664-GAO
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JOINT MOTION TO CONTINUE MEDIATION

NOW COME the parties and state as follows:

1. This case is scheduled for mediation on April 10, 2007. The parties are requesting it be continued until June 29, 2007.
2. The Plaintiff was injured on June 24, 2004, when he was allegedly hit from behind by a pickup truck driven by an employee of Defendant Lafleur. The Plaintiff was in the course of his employment with the Defendant Steamship Authority at the time.
3. The Plaintiff alleges a back injury which has proven very difficult to diagnose. He alleges suffering significant back pain since the accident and pain in his legs since the fall of 2004. He has not been able to work since the accident. He treated with various neurologists at Beth Israel for some time, and then came under the care of Dr. Richard Tyler, a neurologist at Brigham & Womens Hospital, in November, 2005.
4. Despite numerous MRIs and MRAs (magnetic resonance angiograms), Dr. Tyler has been unable to establish a final diagnosis. At this point, Dr. Tyler has recognized that the Plaintiff has a pre-existing condition of a Chiari malformation (defect in the cerebellum), as well

as a spinal cord lesion of the cervical spine and possible spinal vascular malformation. Dr. Tyler has been working for the last year to establish exactly what is causing the Plaintiff's symptoms and whether that is in fact causally related to the accident. He has also been investigating whether the accident aggravated or changed the Plaintiff's Chiari malformation in any way.

5. At the request of Dr. Tyler, the plaintiff underwent a spinal angiogram which according to Dr. Tyler will aid him in his diagnosis. The results of the angiogram have not yet made available.

6. Accordingly, the parties requests that the mediation be rescheduled to a date in the last week of June. The parties believe that mediation at this point would be ineffective as the value of the Plaintiff's case depends on the results of the angiogram and its review by Dr. Tyler. The Plaintiff alleges approximately \$100,000 of medical bills, but there still is no exact diagnosis.

7. If Dr. Tyler reaches an opinion favorable to the Plaintiff, the Defendants will likely request the angiogram results be reviewed by their expert(s) and the Plaintiff be reexamined by their physician, or at the very least have their physician review all of the most recent medical records so that he can update his opinion as necessary.

8. The parties request that the Plaintiff's expert disclosure be due on June 1, 2007 and defendants' expert disclosures be due on June 15, 2007.

WHEREFORE, the parties respectfully requests that the mediation currently scheduled for April 10, 2007 be continued until June 29, 2007, and that the expert disclosure deadlines be continued as set forth above.

/s/ David J. Berg, Esq.

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the within document with the Clerk of the Court using the CM/ECF system which will send notification of such filing(s) to all counsel of record.

/s/ David J. Berg, Esq.
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Dated: April 6, 2007